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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,270	01/14/2002	Catharina R. Biber	4589P008	4506

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EXAMINER

CARIASO, ALAN B

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/047,270

Applicant(s)

BIBER ET AL.

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cov r sheet with th correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-23 and 26-58 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### ***Drawings***

1. The corrected or substitute drawings were received on April 17, 2002. These drawings are acceptable for examination purposes. However, the drawings are objected as noted by the draftsman on enclosed form PTO-948.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Objections***

3. Claims 43-58 are objected to because of the following informalities: The limitations "lamp housing" and "housing" are distinct parts that have similar terms which confuse the relationship between parts. For example in claim 43, lines 3-4 recites "the lamp housing having a reflector" and line 5 recites "a housing coupled to the reflector" confuses the distinction, if any. The dependent claims recite "wherein the housing" which is also unclear as to which housing is being referred. A clearer term distinction is need between the lamp housing and the housing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 11, 27, 37 and 53 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no clear support of how the invention solves the problem of containing explosion of the light source. No structure, method, nor statement are disclosed that shows how an explosion of the light source is contained by the preferred embodiments.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4 and 43-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 4, the phrase "the housing is prepare to enhance absorptivity of the passed radiation" is vague and indefinite as lacking structure to support the enhancement and/or a relative basis that would define this enhancement.

9. Claim 43, line 10, "the safety requirements for touch temperature" have no antecedent basis. Claims 44-58 are indefinite for depending on indefinite claim 43.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5, 10, 12, 13, 15-19, 21, 26, 28, 29, 31-36, 38, 39, 41-47, 52, 54, 55, 57 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by GROH (US 4,780,799).

12. GROH discloses a lamp housing apparatus comprising: a reflector (18) or means (20) for a reflector capable of reflecting visible light but passing radiation (col.6, lines 44-50) from a light source (16); a housing or a means for a housing (10,26) coupled to the reflector (18), the housing (26) having an inner surface (28,38,100,117) capable of absorbing the passed radiation and conducting heat to an outer surface (between 43 & 30) having a plurality of formations (48,54) to enlarge the area of the outer surface; wherein the housing (10,26) including its inner surface (28,38,40,117) and outer surface (between 43 & 30) are inherently capable of blocking stray visible light given the housing is made of aluminum (col.6, lines 65-66); wherein the inner surface (40,117) includes a coating (foil disc 100) of an opaque material which define a means for inherently blocking stray visible light and for enhancing absorptivity of the passed radiation (col.9,lines 14-45); wherein the absorbed radiation is infrared (IR) radiation (col.6, lines 44-50); wherein the plurality of formations (48,54) are fins disposed in a parallel manner and latitudinally as rings (fig.1) across the outer surface (between 43 &

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30) of the housing (10,26); wherein the housing (10,26) and the reflector (12,18) are formed as an integral unit (fig.2); further having a projector case (152-fig.6) having a touchable surface and the lamp/housing (158,168 of fig.6 essentially the same as 12 & 10,26 of fig.2) disposed within the case (152).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6, 20, 22 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over GROH (US 4,780,799) in view of INAGE et al (US 6,004,010).

15. GROH discloses applicant's invention except the opaque material being paint.

16. INAGE teaches coating an inner surface of the housing (4) with a material having small reflectivity for the purpose of blocking stray light behind and around the reflector (2) (col.5, lines 30-41). This low-reflective coating material is inherently opaque and commonly known to include paint. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the opaque inner surface of the coupled housing of the fixture of GROH to include a low-reflective coating material as taught by INAGE et al in order to block stray light transmitting from behind/around the reflector.

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17. Claims 7, 23 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over GROH (US 4,780,799) in view of RUDOLPH (US 3,586,851).

18. GROH discloses applicant's invention except anodization of the inner surface of the housing as enhancement of heat absorptivity.

19. RUDOLPH teaches a black anodized aluminum screen (192,268) which includes an entire inner surface or area about the lamp assembly made of the black anodized aluminum for the purpose of enhancing area-absorption of IR rays collecting the heat radiation so as to facilitate convection of the heat. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the enhanced inner surface of the heat removing housing of the lamp fixture of GROH to include a black anodized aluminum material as taught by RUDOLPH in order to enhance absorptivity or collection of IR or heat radiation by maximized inner surface area made of that anodized material adjacent or spaced from the lamp-reflector assembly.

20. Claims 11, 27, 37 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over GROH (US 4,780,799) in view of HERRON et al (US 4,489,367).

21. GROH discloses applicant's invention except the housing being capable of or having means for containing an explosion of the light source (of claims 11, 27, 37, 53).

22. HERRON teaches an explosion-proof closure (20) the includes a hollowing housing made of aluminum (col.2) for the purpose of containing an explosion or breakage of the light source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the light fixture of GROH that

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includes a heavy-made aluminum housing or casing as taught by HERRON et al in order to contain an explosion of the light source.

23. Claims 14, 30, 40 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over GROH (US 4,780,799) in view of BORNHORST et al (US 5,367,444).

24. GROH discloses applicant's invention except the plurality of formations being fins disposed longitudinally across the outer surface of the housing. BORNHORST teaches a plurality of fins (57) disposed longitudinally (figs.12 & 13) across the outer surface (adjacent space 51-fig.12) of the housing (58) for the purpose of convectively dissipating heat collected at the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fins or rings of the light fixture of GROH to include longitudinal disposition of the fins on the outer surface of the housing as taught by BORNHORST et al in order to convectively dissipate heat in a wind direction longitudinal of the light fixture.

***Allowable Subject Matter***

25. Claims 8, 9, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. Claims 50 and 51 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



### ***Conclusion***

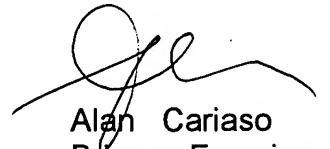
27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SERIZAWA et al (US 4,733,335) show a lamp housing (fig.4) including a knurled upper surface (215) for enhancing heat radiating effect (col.6). MOORE (US 3,936,686) (figs.1,2,3,5) and MILLER (US 4,682,276) show heat dissipating bodies that include fins or rings disposed parallel to each other, longitudinally, latitudinally, and radially behind a dichroic reflector lamp assembly. DOWNING (US 3,806,236) shows a heat shield (41) of black anodized aluminum that collects both infrared and visible light (col.4). ADACHI et al (US 4,41,516) shows an integral heat collecting housing coupled to a heat-transmitting reflector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on M-F (9:00-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Alan Cariaso  
Primary Examiner  
Art Unit 2875

AC  
February 14, 2003